

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL BUENO, et al.,

Plaintiffs,

22-CV-2216 (PAE) (KHP)

-against-

**SCHEDULING ORDER**

ALLCITY MEDICAL, P.C., et al.,

Defendants.  
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**KATHARINE H. PARKER, United States Magistrate Judge:**

Plaintiffs commenced this action on March 17, 2022. At the time, they were represented by Jaazaniah Asahguii of the Law Offices of Steven Cohen LLC. On August 2, 2022, several attorneys of the law firm Borrelli & Associates (“B&A”) entered appearances on behalf of Plaintiffs. B&A represents that Asahguii joined their firm around this time and brought this case to B&A, however Asahguii did not request that the docket be updated to reflect a change of firm.

On March 7, 2023, the Honorable Paul A. Engelmayer partially granted Defendants’ motion to dismiss the Second Amended Complaint and granted Plaintiffs until March 20, 2023 to file a third amended complaint. (ECF No. 89.) Plaintiffs requested, and I granted, two extensions of that deadline to permit Plaintiffs’ counsel time to “verify . . . allegations” and “obtain approval from nine individual plaintiffs before filing an amended complaint.” (ECF Nos. 92, 96.) The revised deadline for the Third Amended Complaint was May 15, 2023.

On April 4, 2023, Plaintiffs advised the Court that Asahguii, is no longer employed with B&A and requested that Asahguii be removed from the docket. The Court directed Asahguii to

file a motion to withdraw in compliance with Local Civil Rule 1.4. (ECF No. 94.) However, Asahguii did not file such a motion.

On May 15, 2023, B&A filed a letter motion advising the court of an “issue that has suddenly arisen regarding the representation status of some of the Plaintiffs” and requesting (i) a conference to discuss the issue, and (ii) an extension of the May 15, 2023 deadline to file the amended complaint until the issue is resolved. The letter advises that B&A has not been able to get in touch with all nine Plaintiffs, that it recently learned that one Plaintiff seeks to be represented by Asahguii rather than by B&A, and that another Plaintiff recently advised B&A that she no longer wishes to pursue the case with B&A. (ECF No. 97.)

Defendants oppose the requested extension. (ECF No. 98.)

On May 15, 2023, Asahguii filed a letter stating that Asahguii no longer represents any of the Plaintiffs, and if permitted, will file a motion to withdraw as counsel without a charging lien by May 22, 2023. (ECF No. 99.) **Asahguii shall file a motion to withdraw by May 22, 2023.**

B&A’s request for a conference is denied since there does not appear to be any dispute between Asahguii and B&A that needs to be resolved.

B&A is directed to confer with its clients by **Wednesday, May 17, 2023** to confirm which, if any, Plaintiffs seek to continue to be represented by B&A. To the extent B&A seeks to withdraw as counsel for any individual plaintiffs because of their non-cooperation or desire to withdraw their claims, B&A shall move to withdraw representation as to those Plaintiffs **by May 22, 2023**. The motion to withdraw shall comply with Local Civil Rule 1.4. B&A will be considered to represent all Plaintiffs until such a time as a decision is rendered on any motion


to withdraw. Any motion to withdraw may request a stay of the deadline to file the amended complaint as to the individual plaintiff(s) for whom withdrawal of representation is requested.

**The deadline for Plaintiffs to file the Third Amended Complaint is extended to June 2, 2023.** The amended complaint shall clearly state which individual plaintiffs do/do not join in the amended pleading.

The Clerk of the Court is respectfully directed to terminate the motion at ECF No. 97.

**SO ORDERED.**

DATED: New York, New York  
May 16, 2023

  
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KATHARINE H. PARKER  
United States Magistrate Judge